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Attorneys for Defendants Bean Dredging LLC,  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERIC GROVE,

: Civ. No: 07 CV 8650

Plaintiff,

: The Honorable John G. Koeltl

vs.

BEAN DREDGING, LLC, *et al.*

: **REPLY TO THIRD-PARTY  
DEFENDANT'S COUNTERCLAIM**

vs.

GMD SHIPYARD CORP., and  
BINDER MACHINERY COMPANY, LLC,

Third-Party Defendants.

Defendants and Third-Party Plaintiffs Bean Dredging, LLC, Bean Excavation, LLC, and C.F. Bean, LLC (hereinafter “Third-Party Plaintiffs”), by their undersigned attorneys, submit the following Reply to Third Party Defendant GMD Shipyard Corporation’s Counterclaim as follows:

1. Denied.

2. To the extent paragraph two of third-party defendant's counterclaim calls for legal conclusions, no response is required by defendants. To the extent paragraph two of third-party defendant's counterclaim includes factual allegations, defendants deny the same.

3. To the extent paragraph three of third-party defendant's counterclaim calls for legal conclusions, no response is required by defendants. To the extent paragraph three of third-party defendant's counterclaim includes factual allegations, defendants deny the same.

#### FIRST SEPARATE DEFENSE

The Counterclaim fails to state a claim for which relief may be granted.

#### SECOND SEPARATE DEFENSE

The averments in Defendants' Third Party Complaint and the averments and defenses set forth in the Defendants' Answer to the Complaint are incorporated herein.

WHEREFORE, Defendants/Third Party Plaintiffs Bean Dredging, LLC, Bean Excavation, LLC, and C.F. Bean, LLC pray that the GMD Shipyard Corporation's Counterclaim be dismissed with prejudice, with an award of costs, attorney's fees, and such other relief as this Honorable Court may deem appropriate.

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

Dated: New York, New York  
February 19, 2008

By: /s/ Michael B. McCauley  
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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that service of a true and correct copy of Defendants/Third-Party Plaintiffs' Reply to Third Party Defendant GMD Shipyard Corporation's Counterclaim was made to the below-listed on February 19, 2008 via United States First-Class Mail, postage prepaid, as follows:

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**PALMER BIEZUP & HENDERSON LLP**

Dated: New York, New York  
February 19, 2008

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